IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

Crl.MC.No. 968 of 2004(A)

CC.25/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES), MANJERI

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PETITIONER: ACCUSED

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1. ARIMBRA KRISHNAN S/O. CHANJU,
   ARIMBRA HOUSE, MUTTIKADAVU, CHUNGATHARA,
   MALAPPURAM DISTRICT.

2. C.D.BABY S/O. DEVASSY, CHEMBAKASSERY
   HOUSE, MAMPOYIL, CHUNGATHARA, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE FOREST RANGE OFFICER, NILAMBUR FOREST RANGE-
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.968 of 2004

Dated this the 5th day of January 2007

O R D E R

The petitioner faces indictment in two different prosecutions, one initiated by the forest officials and the other by the Edakkara Police. The crux of the allegations is that on 31/07/1998, the petitioner shot down a deer with an unlicenced gun. In the prosecution initiated by the forest officials, the petitioner faces allegations under the provisions of the Wild Life Protection Act, whereas in the prosecution initiated by the police, the petitioner faces allegations under the provisions of the Arms Act. The cases are pending before two different courts.

2. After discussions at the Bar, the short prayer made by the learned counsel for the petitioner is that possibility of conflict of findings may be avoided and the same Magistrate may be directed to dispose of both the cases. I find merit in that plea. I am satisfied that it can be directed that the same Magistrate must dispose of both cases. But I am unable to accept the request of the learned counsel for the petitioner for consolidation of both cases as the procedure to be followed in

both cases are totally different. In one instituted by the police, the procedure under Chapter 19A of the code will have to be followed whereas in the other, the procedure prescribed under Chapter 19B will have to be followed. In these circumstances, notwithstanding the provisions of Section 220 Cr.P.C, I am satisfied that the interests of justice can be well secured by directing trial of both cases by the same Magistrate. He shall proceed to try both cases simultaneously and pronounce judgments in one after the other on the same day in succession.

3. In the result, this Criminal Miscellaneous Case is allowed in part. C.C.No.6/2003 pending before the J.F.C.M Nilambur is transferred to the J.F.C.M-II (Forest Offences), Manjeri which is seized of C.C.No.25/03 pending against the petitioner. The J.F.C.M Nilambur shall forthwith forward the records in C.C.No.6/03 to J.F.C.M-II, Manjeri. The petitioner shall appear before the J.F.C.M-II (Forest Offences), Manjeri on 15/02/2007 to continue the proceedings.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006